

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMIEN PRIMUS,

Defendant.

8:20CR334

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 52). The Court has carefully reviewed the record in this case and finds as follows:

1. On September 10, 2021, defendant Damien Primus ("Primus") pleaded guilty to Counts III and V of the Superseding Indictment (Filing No. 25) and admitted the Forfeiture Allegation. Count III charged Primus with possession with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C). Count V charged Primus with possession of a firearm – short-barreled shotgun – in furtherance of a drug-trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(B)(i).

2. The Forfeiture Allegation of the Superseding Indictment sought forfeiture of certain property pursuant to 21 U.S.C. § 853. That property includes \$1,080 in United States currency seized from 3941 X Street, Apartment #1, Omaha, Nebraska on or about November 24, 2020, on the basis it was either (a) used to facilitate the offenses charged in the Superseding Indictment or (b) derived from proceeds obtained directly or indirectly as a result of the commission of the offenses charged in the Superseding Indictment.

3. Based on Primus's guilty plea and admission, Primus has forfeited his interest in the \$1,080 in United States currency, and the government should be entitled to possession of the currency pursuant to 21 U.S.C. § 853.

4. The government's Motion for Preliminary Order of Forfeiture should be granted.

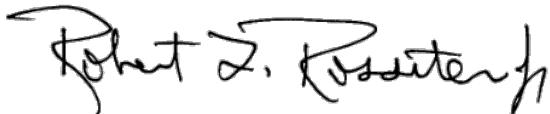
IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 52) is granted.
2. Based upon the Forfeiture Allegation of the Superseding Indictment (Filing No. 25) and Primus's guilty plea and admission, the government is hereby authorized to seize the \$1,080 in United States currency.
3. Primus's interest in the \$1,080 in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$1,080 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official government forfeiture internet site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than Primus, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$1,080 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$1,080 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.

7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$1,080 in United States currency and the firearms as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 23rd day of September 2021.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge